

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1971

To provide for aviation noise management and reduction in residential areas.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1995

Mr. ZIMMER introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To provide for aviation noise management and reduction  
in residential areas.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Aviation Noise Limit  
5       Act of 1995”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) The accurate assessment and control of  
9       aviation noise impact is necessary to protect the  
10      public health and welfare while increasing and im-  
11      proving aviation capacity.

1           (2) Airspace management without noise impact  
2           assessment and moderation can have a significant  
3           impact on an area distant from an airport.

4           (3) The Federal system for determining noise  
5           impact at airports, which currently serves as the  
6           basis of noise compatibility programs receiving Fed-  
7           eral assistance, does not adequately protect the pub-  
8           lic health and welfare.

9           (4) The Federal system for determining noise  
10          impact at airports does not take into account the  
11          characteristics of an area, including the area's prox-  
12          imity to an airport and the area's non-aircraft back-  
13          ground noise.

14          (5) The Federal system for determining noise  
15          impact at airports is less restrictive than the criteria  
16          used by many State and local governments, usurping  
17          a zoning role normally allocated to the States.

18          (6) The Federal system for determining noise  
19          impact at airports is inconsistent with the mainte-  
20          nance of accepted interior levels of quiet for existing  
21          residences and has been demonstrated unsuccessful  
22          in identifying problems and predicting community  
23          reaction.

24          (7) The Federal system for determining noise  
25          impact at airports does not protect against signifi-

1 cant disturbances in human activities such as sleep  
2 and conversation and promotes Federal interference  
3 with the constitutionally protected right to quiet en-  
4 joyment of private property.

5 (8) Research showing that low levels of noise  
6 affects human health and welfare requires changes  
7 in Federal programs managing noise levels.

8 (9) Population density, background noise levels,  
9 and distance from an airport are factors which af-  
10 fect an individual's expectations with respect to avia-  
11 tion noise and an individual's acceptance of aviation  
12 noise.

13 (10) Changes to the noise environment of a de-  
14 veloped and populated area should be treated dif-  
15 ferently from changes to the noise environment of a  
16 nonpopulated or industrial area.

17 **SEC. 3. AVIATION NOISE LIMITS.**

18 (a) REDUCTION OF AVIATION NOISE IN AREAS IN  
19 THE VICINITY OF AIRPORTS.—

20 (1) DEVELOPMENT OF PLAN.—The Secretary  
21 shall develop a staged plan to reduce by at least 75  
22 percent on or before January 1, 2001, the number  
23 of individuals residing in residential areas in the vi-  
24 cinity of an airport who are exposed to a yearly day-  
25 night average sound level of 60 decibels or above.

1           (2) CONSIDERATIONS.—In developing the plan  
2           pursuant to paragraph (1), the Secretary shall con-  
3           sider various methods for aviation noise reduction,  
4           including soundproofing, relocation incentives, use of  
5           quieter aircraft, operations restrictions, and revision  
6           of air routes.

7           (3) FEDERAL DEPARTMENTS AND AGENCIES.—  
8           As part of the plan to be developed pursuant to  
9           paragraph (1), the Secretary shall make rec-  
10          ommendations on actions and policy changes on the  
11          part of Federal departments and agencies (including  
12          but not limited to the Department of Transpor-  
13          tation) which could assist in meeting the objective  
14          described in paragraph (1).

15          (4) MODIFICATION OF REGULATIONS.—The  
16          Secretary shall modify regulations issued pursuant  
17          to section 102 of the Aviation and Safety Noise  
18          Abatement Act of 1979 to assist in meeting the ob-  
19          jective described in paragraph (1).

20          (b) MANAGEMENT AND REDUCTION OF AVIATION  
21          NOISE IN OTHER AREAS.—

22               (1) AIRSPACE TRAFFIC CHANGES.—Beginning  
23               on the date of the enactment of this Act, the Admin-  
24               istrator may make an airspace traffic change only if  
25               the Administrator determines that the change will

1 not result in an increase in aviation noise in viola-  
2 tion of paragraph (2).

3 (2) REQUIREMENTS.—A violation of any of the  
4 following requirements, which apply only to residen-  
5 tial areas that are not in the vicinity of an airport,  
6 shall be considered to be a violation of this para-  
7 graph:

8 (A) HOURLY AVERAGE SOUND LEVEL.—

9 The hourly average sound level, with combined  
10 aviation and nonaviation sources, over any 1-  
11 hour period may not exceed 6 decibels above the  
12 background sound level for such 1-hour period.

13 (B) SINGLE EVENT MAXIMUM SOUND

14 LEVEL.—Under normal circumstances, the sin-  
15 gle event maximum sound level—

16 (i) may not exceed 70 decibels;

17 (ii) during nighttime hours, may not  
18 exceed 55 decibels; and

19 (iii) may not be more than 20 decibels  
20 above the background sound level for the  
21 1-hour period in which the event occurs.

22 The requirement of this subparagraph shall be  
23 considered to have been met if there are no  
24 more than 3 violations of the limits contained  
25 in this subparagraph in a 24-hour period.

1 (C) DAY-NIGHT AVERAGE SOUND LEVEL.—

2 If the day-night average sound level, with com-  
3 bined aviation and nonaviation sources, exceeds  
4 45 decibels, then aviation activity may not con-  
5 tribute more than 3 decibels to such sound  
6 level.

7 (3) PAST AIRSPACE TRAFFIC CHANGES.—The  
8 Administrator shall review airspace traffic changes  
9 made by the Administrator which continue to be  
10 subject to significant complaint or controversy and  
11 shall take such actions as may be necessary to en-  
12 sure that such air traffic changes do not result in  
13 increases in aviation noise which violate aviation  
14 noise limits contained in paragraph (2).

15 (d) DETERMINATION OF VICINITY OF AIRPORT.—

16 (1) ALTERNATIVE BOUNDARIES.—In the event  
17 that operations procedures of an airport result in a  
18 ground noise distribution substantially different  
19 from the geographic area defined in section 4(10),  
20 an airport operator may, on or before the 180th day  
21 following the date of the enactment of this Act,  
22 transmit to the Secretary for approval alternative  
23 boundaries of the vicinity of the airport which con-  
24 form to the ground noise distribution of the airport;  
25 except that the geographic area enclosed by such al-

(2) ACQUISITION OF PROPERTY.—In the event that an airspace traffic change or other action makes it unfeasible or impracticable to meet the sound level limits contained in subsection (b) within a residential area, then such area may be added to the area considered to be in the vicinity of the airport upon acquisition of the property or by acquisition of easements to the property by the airport operator or the Secretary of Transportation.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the plan to be developed pursuant to subsection (a)(1), and a description of actions taken with respect to airspace changes pursuant to subsection (b)(3), together with recommendations for appropriate administrative and legislative actions.

21 SEC. 4. RESPONSIBILITY OF SECRETARY OF TRANSPOR-  
22 TATION.

23 In complying with this Act, the Secretary of Trans-  
24 portation shall assume responsibility for all non-military  
25 aviation activity, within and outside controlled airspace,

1 and shall regulate such activity to ensure compliance with  
2 the requirements of this Act in normal circumstances.

3 **SEC. 5. DEFINITIONS.**

4 For the purposes of this Act, the following definitions  
5 apply:

6 (1) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the Federal  
8 Aviation Administration.

9 (2) AIRSPACE TRAFFIC CHANGE.—The term  
10 “airspace traffic change” means a change in aircraft  
11 flight paths, operating procedures, nature of aircraft  
12 traffic, and quantity of aircraft traffic which is ap-  
13 plicable in normal circumstances.

14 (3) AVERAGE SOUND LEVEL.—The term “aver-  
15 age sound level” means the level, in decibels, of the  
16 mean-square, A-weighted sound pressure during a  
17 specified period, with reference to the square of the  
18 standard reference sound pressure of 20  
19 micropascals.

20 (4) BACKGROUND SOUND LEVEL.—The term  
21 “background sound level” means the hourly average  
22 sound level, in decibels, measured at a site rep-  
23 resentative of a relatively quiet residential location  
24 within an area (with aircraft noise contributions ex-  
25 cluded).

1           (5) DAY-NIGHT AVERAGE SOUND LEVEL.—The  
2       term “day-night average sound level” means the 24-  
3       hour average sound level, in decibels, for the period  
4       from midnight to midnight, obtained after the addi-  
5       tion of 10 decibels to sound levels during nighttime  
6       hours.

7           (6) NIGHTTIME HOURS.—The term “nighttime  
8       hours” means the periods between midnight and 7  
9       a.m. and between 10 p.m. and midnight local time.

10          (7) NORMAL CIRCUMSTANCES.—The term “nor-  
11       mal circumstances” means all circumstances other  
12       than unusually adverse weather and emergency cir-  
13       cumstances.

14          (8) SECRETARY.—The term “Secretary” means  
15       the Secretary of Transportation.

16          (9) SINGLE EVENT MAXIMUM SOUND LEVEL.—  
17       The term “single event maximum sound level”  
18       means the level, in decibels, of the maximum A-  
19       weighted sound pressure during an aircraft over-  
20       flight obtained using a standard sound level meter  
21       under a slow response setting.

22          (10) VICINITY OF AN AIRPORT.—The term “vi-  
23       cinity of an airport” means the geographic area sur-  
24       rounding an airport established before the date of

1 the enactment of this Act described nominally as fol-  
2 lows:

3 (A) The area extending in all directions a  
4 distance of 1.5 miles from each runway estab-  
5 lished before such date of the enactment.

6 (B) The rectangular area defined by draw-  
7 ing a straight center line a distance of 4 miles  
8 from the end of each runway established before  
9 such date of the enactment in the direction of  
10 heaviest traffic and extending 1.5 miles per-  
11 pendicular from the center line on each side of  
12 such runway.

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